

AMENDED IN SENATE APRIL 17, 2006

**SENATE BILL**

**No. 1610**

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**Introduced by Senator Simitian**

February 24, 2006

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An act to *add Section 1463.19 to the Penal Code, and to add Sections 21706.5 and 42005.8 to, amend, repeal, and add Section 25253 of, and to add and repeal Section 21809 of, the Vehicle Code, relating to vehicles.*

LEGISLATIVE COUNSEL'S DIGEST

SB 1610, as amended, Simitian. Vehicles: emergency vehicles.

(1) Existing law requires the driver of a vehicle, upon the immediate approach of an authorized emergency vehicle, as defined, that is sounding a siren and has at least one lighted lamp exhibiting red light, as specified, to yield the right-of-way and immediately drive to the right-hand edge or curb of the highway, clear of an intersection, and thereupon stop and remain stopped until the authorized emergency vehicle has passed, except as otherwise directed by a traffic officer.

*This bill would prohibit a person from operating a vehicle in an unsafe manner, as defined, within an emergency incident zone, as defined, and would make a violation of this prohibition punishable by a fine and a penalty assessment of \$125. The bill would thereby impose a state-mandated local program by creating a new crime.*

(2) *Existing law establishes various accounts and subaccounts within the State Transportation Fund for purposes of funding various programs. Existing law establishes the Office of Traffic Safety in the Business, Transportation and Housing Agency.*

*This bill would establish the Emergency Zone Account within the fund and would require that all assessments collected for violations of the prohibition upon operating a vehicle in an unsafe manner in an emergency incident zone be deposited by the Controller into that account. The bill would require that money in the account be expended, upon appropriation by the Legislature, for use by the Office of Traffic Safety for funding an educational program to increase public awareness and safety of emergency personnel.*

*Because this bill would increase the level of service imposed on a county treasurer in transferring funds to the Controller, this bill would impose a state-mandated local program.*

(3) This bill, until January 1, ~~2009~~ 2010, would require a person driving a vehicle on a freeway approaching a stationary authorized emergency vehicle that is displaying emergency lights, or a stationary tow truck that is displaying flashing amber warning lights, to approach with due caution and, before passing in a lane *immediately* adjacent to the authorized emergency vehicle or tow truck, absent any other direction by a peace officer, proceed to either make a lane change in an available lane, as specified, or, if that maneuver would be unsafe or impracticable, slow to a reasonable and prudent speed that is safe. The bill ~~thereby would establish~~ *would thereby impose* a state-mandated local program by creating a new crime.

~~(2)~~

(4) Existing law requires tow trucks used to tow disabled vehicles to be equipped with flashing amber warning lamps, and authorizes tow trucks to display flashing amber warning lamps while providing service to a disabled vehicle.

This bill, until January 1, ~~2009~~ 2010, would prohibit a tow truck from displaying flashing amber warning lamps on a freeway except when an unusual traffic hazard or extreme hazard exists. Because a violation of this prohibition would be a crime, under provisions of existing law, this bill would impose a state-mandated local program.

~~(3)~~

(5) The bill would require the Department of the California Highway Patrol to submit a report to the Legislature regarding the effects the statutory changes made by this bill had on the safety of emergency responders and the motoring public.

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state.~~

~~Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that no reimbursement is required by this act for a specified reason.~~

*(6) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.*

*This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.*

*With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.*

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 1463.19 is added to the Penal Code, to  
2     read:

3     1463.19. (a) The Emergency Zone Account is hereby created  
4     in the State Transportation Fund.

5     (b) Notwithstanding Sections 1463, 1463.001, and 1464, all  
6     assessments collected under Section 42005.8 of the Vehicle Code  
7     for each violation of Section 21706.5 of the Vehicle Code shall  
8     be transferred to the Controller for deposit in the Emergency  
9     Zone Account in the State Transportation Fund.

10    (c) The money in the Emergency Zone Account in the State  
11    Transportation Fund may be expended, upon appropriation by  
12    the Legislature, only for use by the Office of Traffic Safety in the  
13    Business, Transportation and Housing Agency, for the purpose of  
14    funding an educational program to increase public awareness  
15    and safety of emergency personnel.

16    SEC. 2. Section 21706.5 is added to the Vehicle Code, to  
17    read:

18    21706.5. (a) For purposes of this section, the following terms  
19    have the following meanings:

20    (1) "Emergency incident zone" means an area on a freeway  
21    that is within 500 feet of, and in the direction of travel of, a

1 stationary authorized emergency vehicle that has its emergency  
2 lights activated. Traffic in the opposite lanes of the freeway is not  
3 in an “emergency incident zone.”

4 (2) “Operate a vehicle in an unsafe manner” means operating  
5 a motor vehicle in violation of an act made unlawful under this  
6 division, except a violation of Section 21809.

7 (b) A person shall not operate a vehicle in an unsafe manner  
8 within an emergency incident zone.

9 **SECTION 1.**

10 SEC. 3. Section 21809 is added to the Vehicle Code, to read:

11 21809. (a) A person driving a vehicle on a freeway  
12 approaching a stationary authorized emergency vehicle that is  
13 displaying emergency lights, or a stationary tow truck that is  
14 displaying flashing amber warning lights, shall approach with  
15 due caution and, before passing in a lane *immediately* adjacent to  
16 the authorized emergency vehicle or tow truck, absent any other  
17 direction by a peace officer, proceed to do one of the following:

18 (1) Make a lane change in an available lane not *immediately*  
19 adjacent to the authorized emergency vehicle or tow truck with  
20 due regard for safety and traffic conditions, if practicable and not  
21 prohibited by law.

22 (2) If the maneuver described in paragraph (1) would be  
23 unsafe or impracticable, slow to a reasonable and prudent speed  
24 that is safe for existing weather, road, and vehicular or pedestrian  
25 traffic conditions.

26 (b) A violation of subdivision (a) is an infraction, punishable  
27 by a fine of not more than fifty dollars (\$50).

28 (c) This section shall remain in effect only until January 1,  
29 2009 2010, and as of that date is repealed, unless a later enacted  
30 statute, that is enacted before January 1, 2009 2010, deletes or  
31 extends that date.

32 ~~SEC. 2.~~

33 SEC. 4. Section 25253 of the Vehicle Code is amended to  
34 read:

35 25253. (a) Tow trucks used to tow disabled vehicles shall be  
36 equipped with flashing amber warning lamps. This subdivision  
37 does not apply to a tractor-trailer combination.

38 (b) Tow trucks may display flashing amber warning lamps  
39 while providing service to a disabled vehicle. A flashing amber  
40 warning lamp upon a tow truck may be displayed to the rear

1 when the tow truck is towing a vehicle and moving at a speed  
2 slower than the normal flow of traffic.

3 (c) A tow truck shall not display flashing amber warning lamps  
4 on a freeway except when an unusual traffic hazard or extreme  
5 hazard exists.

6 (d) This section shall remain in effect only until January 1,  
7 2009 2010, and as of that date is repealed, unless a later enacted  
8 statute, that is enacted before January 1, 2009 2010, deletes or  
9 extends that date.

10 ~~SEC. 3.~~

11 SEC. 5. Section 25253 is added to the Vehicle Code, to read:

12 25253. (a) Tow trucks used to tow disabled vehicles shall be  
13 equipped with flashing amber warning lamps. This subdivision  
14 does not apply to a tractor-trailer combination.

15 (b) Tow trucks may display flashing amber warning lamps  
16 while providing service to a disabled vehicle. A flashing amber  
17 warning lamp upon a tow truck may be displayed to the rear  
18 when the tow truck is towing a vehicle and moving at a speed  
19 slower than the normal flow of traffic.

20 (c) This section shall become operative January 1, 2009 2010.

21 ~~SEC. 4.~~

22 SEC. 6. Notwithstanding Section 7550.5 of the Government  
23 Code, on or before January 1, 2008 2009, the Department of the  
24 California Highway Patrol shall submit a report to the Legislature  
25 regarding the effect of the statutory changes made by the act that  
26 added this section on the safety of emergency responders and the  
27 motoring public.

28 ~~SEC. 5. No reimbursement is required by this act pursuant to~~  
29 ~~Section 6 of Article XIII B of the California Constitution because~~  
30 ~~the only costs that may be incurred by a local agency or school~~  
31 ~~district will be incurred because this act creates a new crime or~~  
32 ~~infraction, eliminates a crime or infraction, or changes the~~  
33 ~~penalty for a crime or infraction, within the meaning of Section~~  
34 ~~17556 of the Government Code, or changes the definition of a~~  
35 ~~crime within the meaning of Section 6 of Article XIII B of the~~  
36 ~~California Constitution.~~

37 SEC. 7. Section 42005.8 is added to the Vehicle Code, to  
38 read:

39 42005.8. Notwithstanding any other provision of law, in  
40 addition to any fine or penalty assessment, there shall be levied

1 *an assessment of one hundred twenty-five dollars (\$125) upon*  
2 *every fine and penalty imposed and collected by the courts for a*  
3 *violation of subdivision (b) of Section 21706.5.*

4 *SEC. 8. No reimbursement is required by this act pursuant to*  
5 *Section 6 of Article XIII B of the California Constitution for*  
6 *certain costs that may be incurred by a local agency or school*  
7 *district because, in that regard, this act creates a new crime or*  
8 *infraction, eliminates a crime or infraction, or changes the*  
9 *penalty for a crime or infraction, within the meaning of Section*  
10 *17556 of the Government Code, or changes the definition of a*  
11 *crime within the meaning of Section 6 of Article XIII B of the*  
12 *California Constitution.*

13 *However, if the Commission on State Mandates determines that*  
14 *this act contains other costs mandated by the state,*  
15 *reimbursement to local agencies and school districts for those*  
16 *costs shall be made pursuant to Part 7 (commencing with Section*  
17 *17500) of Division 4 of Title 2 of the Government Code.*